

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
v.)	
)	Cause No. 1:08CV262
\$49,865.00 IN U.S. CURRENCY,)	
)	
Defendant.)	
)	
Marcos Gamboa and Carmen L. Gamboa)	
)	
Claimants)	

AGREED FORFEITURE JUDGMENT

On November 4, 2008, a Verified Complaint for Forfeiture was filed against defendant currency on behalf of the United States of America. The Complaint alleges that the defendant currency constitutes money exchanged or intended to be exchanged for a controlled substance in violation of 21 U.S.C. § 841, thereby subject to forfeiture pursuant to 21 U.S.C. § 881(6).

It appearing that process was fully issued in this action;

That on November 4, 2008, the government filed the instant forfeiture complaint seeking to forfeit defendant currency;

That a Warrant For Arrest In Rem of defendant currency was issued by the Clerk on November 4, 2008, and executed on November 14, 2008;

That Marcos Gamboa and Carmen Gamboa, claimants, have filed a claim of ownership of defendant currency and an answer contesting the forfeiture thereof;

That pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules For Admiralty Or Maritime Claims And Asset Forfeiture Actions notice of this action was posted on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days;

That pursuant to Rule G(4)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, a copy of the Complaint, the Warrant of Arrest In Rem and Direct Notice of this forfeiture action were mailed Marcos and Carmen Gamboa, in care of their attorney, Stanley Campbell, the only persons known to the government to potentially have an interest in defendant currency;

That no persons except Marcos Gamboa and Carmen Gamboa have filed a claim or answer as required by Rule G.

That the government and the claimants have agreed upon a settlement of their claims with respect to the defendant currency as evidenced by their signature hereto; and

That to effectuate the settlement, the parties request entry of an agreed judgment of forfeiture as to a portion of the defendant currency;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the sum of Fifteen Thousand Dollars (\$15,000.00) of defendant currency is hereby forfeited to the United States of America, and that no other person shall have any right, title or interest thereto.

IT IS FURTHER ORDERED that the remainder of said defendant currency, to wit, Thirty Four Thousand Eight Hundred Sixty Five Dollars (\$34,865.00), be returned to Claimants, Marcos Gamboa and Carmen Gamboa.

IT IS FURTHER ORDERED that neither the United States of America nor Claimants shall be liable for an award of costs and/or attorney fees against the other in connection with this

matter, and the parties further agree that the plaintiff had probable cause to commence this action.

ENTER: March 29, 2010

S/Roger B. Cosbey
Roger B. Cosbey, Magistrate Judge
United States District Court

Consented To:

/s/ Orest Szewciw
Orest Szewciw, AUSA
Attorney for Plaintiff

/s/ Stanley L. Campbell
Stanley L. Campbell
Attorney for Claimants